

FILED

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA

2006 MAR 27 PM 1:45

CLERK  
FOR THE NORTHERN DISTRICT  
OF INDIANA

IN RE THE MATTER OF )  
 )  
UNITED STATES OF AMERICA )  
 )  
vs. )  
 )  
DAVID A. SOUTHWOOD )

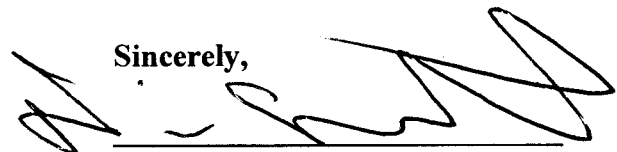
No. Southern District # 01-cr-00044-JTM

2:01cr 44 JTM

INFORMATION

Petitioner and prior defendant, David A. Southwood, now comes forward and files the following information to the Federal government related to criminal activity which occurred in Tippecanoe County, within the Northern District of Indiana during the period of May 1996 to November 1997 and which directly contributed to an led to the defendants arrest and incarceration by the Federal government on March 13, 2001. Defendant does not file this notice as a complaint or lawsuit. This notice is filed as an information. There may have been multiple victims of fraud by misuse of the legal system.

Sincerely,



David A. Southwood  
PO Box 138  
Inglefield, IN  
47618

03-24-06

Date

David A. Southwood

03-21-2006

For several reasons, as I will explain here, I have a criminal record which is partially inaccurate due to problems within our county legal system that occurred in the late 1990's.

As in my particular case, there are times in our legal system where lack of a witness or evidence can force defendants to plead guilty to higher level offenses than what they may have been guilty of.

I do have thyroid disease which can be considered a "disability" under Federal disability laws. I take medication for it which controls most of the symptoms of it, but I have never declared it as a disability in employment nor sought disability payments because it has never affected my work performance. The major symptoms are involuntary loss of emotional control, inability to stay awake and some lack of physical endurance. One symptom got me in trouble as stated below. Thyroid disease is a non-contagious disorder which occurs in about one in 40 males and can cause internal organ damage if not treated. I started on medication for it in 1998. Since 2002 I have also taken Zoloft to aide in controlling mood swings. I have not been arrested since March of 2001.

#1. In the late 1990's, I was a victim of criminal fraud by way of Judge Laura Zeman and attorney John O'Bryan who were not from my area in Southwestern Indiana but instead are members of the Northern District of Indiana. Laura Zeman is no longer a practicing judge. On two occasions in January of 2001, I made "facetious violent verbal threats" to this county judge (without a weapon) who along with another attorney had defrauded me of at least \$4700 in the late nineties by running a "racketeering" type of scam related to misuse of the legal process. They had even called my parents in 1998 requesting money that I had refused to pay to them. I pled guilty in January of 2002 to 2 identical counts of "facetious threatening

communication to a county judge”. No one was actually physically harmed in the incident. I never intended to act on the threat, and there is a good chance I was physically ill at the time I made it due to physical stresses of thyroid disease but such would be difficult to prove. Neither the attorney nor judge showed any remorse for their criminal activity. This magistrate had also declared on national television in December 2000 that “fear” was the best method of governmental control.

There were several problems with defending this case. I had no easy way of proving that I had been defrauded of the money, although I did attempt to begin a Federal lawsuit against the county magistrate in 1999 (related the fraud which had occurred in 1996-1997) which I later dropped after finding out that she was probably immune from her mistakes.

I sued the attorney myself via State laws which allow for citizens to prosecute separately from the State of Indiana in a two hour hearing held by me in August of 1999. I do have some records which imply that I was defrauded of the money by this particular group of people, but I had difficulty finding a way to tie the financial evidence against the attorney to the county judge. It was simply my belief that the two were conspired with each other as implied by the financial records and my background knowledge of the incident itself. For these reasons I withdrew only the Federal case against the magistrate but held the State hearing which is available on microfilm. Also, while Indiana State law allows citizens to prosecute State crimes in some circumstances – Federal law does not allow citizens to prosecute Federal crimes. Charges of “fraud” or “criminal conspiracy to commit fraud” of this type against citizens by a government county official is usually a Federal crime that a Federal prosecutor would have to charge and prosecute.

One might wonder why I simply did not go to the Federal Government with the evidence I had in the case. I did go speak to the FBI in Southern Indiana in 2000 regarding the possibility of filing a Federal fraud case. The officer I spoke to told me that I did not have enough evidence for a case.

In addition there are no Federal laws which allow for an easy defense or proof in a threat case as in my case - even if the person making the threat showed no intent to act on the threat and even if the threat was based on facetious terms and even if the person making the threat may be seriously physically ill at the time the threat is made. The statute does require "willingly and knowingly" making the threat, but how can one prove that one was ill at the exact time of a threat in order to defeat that element of the crime?

My Federal government pre-sentence report also contains a few false statements which were reported out of Tippecanoe county which claimed that I had made statements which I have never made and which they had no proof were ever made. I have no way to correct the report because my attorney failed to object strongly enough to the pre-sentence report in court. I objected to parts of the presentence report, but the magistrate only changed two statements of the four objections.

I pled guilty in January 2002, four years ago, to making two identical verbal threats on two different days. I was fined \$200 in the incident. I was assessed 3 years of probation to end on 05/01/2006 at the earliest and 05/01/2008 at the latest.

I had no prior convictions up to January 2002, and I have had no arrests since March of 2001 and no convictions since November of 2002.

David A. Southwood  
PO Box 138  
Inglefield, IN  
47618

No. EV 01-2-000-01-4/11

IN THE  
NORTHERN DISTRICT COURT OF INDIANA

David A. Southwood – Petitioner

Vs.

United States of America – Respondent(s)

PROOF OF SERVICE

I, David A. Southwood, do swear or declare that on this date, 24th March,  
2006, that I have served the enclosed INFORMATION on each party to the above  
proceeding or that party's counsel, and on every other person required to be served, by  
depositing an envelope containing the above documents in the United States mail properly  
addressed to each of them and with first-class postage prepaid, or by delivery to a third-  
party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Solicitor General of the United States  
Room 564  
Department of Justice  
950 Pennsylvania Avenue, NW  
Washington D.C.  
20530-0001

Office of the United States Attorney  
10 West Market Street  
Suite 2100  
Indianapolis, IN  
46204-3048

Respondents:

U.S. District Court  
Northern District of Indiana  
Office of the Clerk  
204 South Main Street, Room 102  
South Bend, IN  
46601

*David A. Southwood*  
03-24-06